



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,680	09/29/2003	Michael Gabriel	12510/70	5087
26646	7590	10/03/2006	EXAMINER	
KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004			MYINT, DENNIS Y	
		ART UNIT	PAPER NUMBER	
		2162		

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/674,680	GABRIEL ET AL.	
	Examiner	Art Unit	
	Dennis Myint	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 July 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 September 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

1. This communication is responsive to Applicant's Amendment, filed on 31 July 2006.
2. Claims 1-22 are pending in this application. Claims 1, 16, 18, and 19 are independent claims. In the Amendment filed on 31 July 2006, claims 20-22 were newly added. This office action is made final.

Response to Arguments

3. Applicant's arguments filed on 31 July 2006 have been fully considered but they are not persuasive.

Referring to claim 1, 18 and 19, Applicant made an argument that that *Williamson et al. does not anticipate any of claims 1 to 19* (Applicant's argument, Page 6) and *that nowhere it is indicated that the user profile identifies preferred media source* (Applicant's argument, Page 6). In response, it is pointed out that said argument is invalid. Williamson et al. does teach that *the user profile identifies preferred media source*, i.e., Paragraph 0099 of Williamson et al. discloses *multiple users in a household may establish one or more personal profiles that enables users to sort content and channels by the user's personal content preferences*. Said disclosure teaches that a user can have more than one personal profiles based on preferences. Additionally,

Paragraphs 0098-0105 recite about creating *Favorites*, which all together teaches profiles based on user preferences.

Applicant also argued that *Williamson et al.*, *does not disclose, or even suggest, searching based on both search criteria and a user profile* (Applicant's argument, Page 6). In response, it is pointed out that, in the method and system of Williamson, users are identified by user profiles, which are in turn based on their preferences (Williamson et al., Paragraph 0099) and search is based on both profiles and search criteria because, once user starts using the method and system based on his/her user profile (Paragraph 0100), the method and system of Williamson presents favorites to the user based on the user's profile (Paragraph 0100) and user can additionally search based on search criteria (Paragraph 0135) while employing one of his/her personal profiles (Paragraph 0099 and 0100). Therefore, Williamson et al. clearly teaches *searching based on both search criteria and a user profile*.

Regarding the amendment made to claim 16, Applicant is suggested to review the paragraphs of Williamson et al. as presented about concerning claim 1, 18, and 19.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Williamson et al. (U.S. Patent Application Publication Number 2003/0208767).

As per claim 1, Williamson et al. is directed to a method for searching for media content (Williamson et al., Paragraph 0135-0137) and teaches the limitations:

“receiving from a user a user profile which identifies preferred media sources”

(Paragraph 0102, i.e., *Create New Profile* and Paragraph 0084, i.e., ..and *recommended programs* (i.e., programs that the system reserves automatically based on user profile);

“receiving a search request from a user including at least one search criteria”

(Paragraph 0102 and 0135-0157 , i.e. *A search may include one of these parameters or multiple parameters*);

“searching for media content based on the at least one search criteria and the user profile” (Paragraph 0102 and 0135-0157); and

"displaying information regarding the media content to the user" (Figure 12, 13, and 14).

As per claim 2, Williamson teaches the limitation:

"wherein the media content includes at least one of a video, audio, a still image, printed material, text, a movie, and a television program" (Paragraphs 0039 and 0066).

As per claim 3, Williamson teaches the limitation:

"wherein the information regarding the media content includes availability information that indicates availability of media content, which meets the at least one search criteria, from at least one of the preferred media sources" (Paragraph 0084, i.e. *upcoming programs* (i.e. programs that are scheduled to be reserved but has yet to be broadcast) *and recommended programs*...).

As per claim 4, Williamson teaches the limitation:

"wherein the availability information includes at least one of movie theater show time data, television broadcast data, and retail data (Paragraph 0084, i.e. *upcoming programs* (i.e. programs that are scheduled to be reserved but has yet to be broadcast) *and recommended programs*...; Paragraph 0086 , i.e. *upcoming* (i.e. to be broadcast in the future) *or by the reservation date of the program*; and Paragraph 0088, i.e., *broadcast time for current and future reserved programs, rating (such as G, PG-13 and R....)*).

As per claim 5, Williamson teaches the limitation:

“wherein the search for media content is performed on at least one database”

(Figure 1: Library Manager 113, ; Paragraph 0048, i.e. ...*forwards the same to library manager 113 for long-term storage*; and Paragraph 0039, i.e., *database services*).

As per claim 6, Williamson teaches the limitation:

“wherein the user profile includes at least one of a zip code and a television provider data” (Paragraph 0150, i.e. ... *having specified zip codes*).

As per claim 7, Williamson teaches the limitation:

“providing online purchase capabilities such that the user is able to purchase at least one of the media content, tickets to view or hear the media content, and merchandise related to the media content” (Paragraph 0127-0128, i.e.*including Add Video to Shopping Cart 3321, Buy CD 3322, Buy Video 3323, Concert Information 3324, MP3 Download 3325 and Photos 3326*).

As per claim 8, Williamson teaches the limitation:

“wherein the preferred media sources includes at least one of: i) at least one movie theater, ii) a local cable TV or satellite TV provider, iii) at least one preferred online retailer” (Paragraph 0039, i.e., *Headend 105 receives programs and services*

from various providers and sources, e.g., analog and digital satellite sources, application servers, media servers, the Internet etc.).

As per claim 9, Williamson teaches the limitation:

“wherein the search criteria includes at least one of title data, cast member data, and director data” (Paragraph 0102, i.e., *These parameters may include programming category, actor(s) names, program title, director, keyword and the like*).

As per claim 10, Williamson teaches the limitation:

“wherein the information regarding the media content is displayed on at least one of: i) a display associated with a set-top box, ii) a display of a computer arrangement, a TV, a wireless device, and a cell phone” (Figures 12-16, Paragraph 0070, and Paragraph 0095).

As per claim 11, Williamson teaches the limitation:

“notifying the user in the future when the media content becomes available from at least one of the preferred media sources, if the media content is not currently available from the at least one of the preferred media sources” (Paragraph 0150-0153, “Messaging Service”).

As per claim 12, Williamson teaches the limitation:

“notifying the user in the future when the media content becomes available from at least one non-preferred media source” (Paragraph 0150-0153, i.e., *Messaging Service* and Paragraph 0139-0148, i.e., *Commercial Targeting and Playback Monitoring*).

As per claim 13, Williamson teaches the limitation:

“wherein the user is notified via at least one of email, instant message, and postal mail” (Paragraph 0150-0153, i.e., *Messaging Service*).

As per claim 14, Williamson teaches the limitation:

“periodically searching for the availability information related to at least one of the preferred media sources if the media content is not currently available from the at least one of the preferred media sources” (Paragraph 0084, i.e. ...*recommended programs* (i.e., programs that the system reserves automatically based on user profile..)).

As per claim 15, Williamson teaches the limitation:

“requesting a user notification of when the media content becomes available from at least one preferred media source, if the media content is not currently available from the at least one preferred media source” (Williamson et al., Paragraph 0151, i.e., *The subscriber content level*).

As per claim 16, Williamson teaches the limitations:

“determining an availability of the media content from a plurality of media sources that are selected in accordance with at least one user selection interpreted based on a user-profile” (Paragraph 0099, i.e., *s multiple users in a household may establish one or more personal profiles that enables users to sort content and channels by the user's personal content preferences*) and

“selectively displaying on a single page information regarding availability of the media content from a plurality of media sources which are selected by a user” (Figures 12-16).

As per claim 17, Williamson teaches the limitation:

“allowing a user to request, from the single page, notification in the future when the media content becomes available from at least one of the media sources, if the media content is not currently available from the at least one of the media sources” (Figures 12-16 and Paragraph 0151, i.e.*those users who request baseball programs frequently may be grouped as baseball fan-users. Thus the messaging service in question may from time to time provide targeted messages concerning baseball games, equipment, etc. to such baseball fan-users. In addition, the messaging service may provide personal messages to a user, including messages concerning the user's account, an expiration of the user's reserved program, etc.*).

Claim 18 and 19 are rejected on the same basis as claim 1.

As per claim 20, Williamson teaches the limitations:

"interpreting at least a portion of the at least one search criteria in accordance with user profile" (Paragraph 0101, i.e., *If the user wants to find a program that meets the parameters of the user's existing Favorite profile, the "Find Favorite Shows" feature is selected from the Favorites submenu 1420* ; and Figure 15: *Continue to narrow search until one or two criteria have been established, e.g., Actor's name + category*) and

"where the searching is based, at least in part on interpreting" (Paragraph 0101 and Figure 15; Note that any search involves interpreting search criteria).

Claims 21 and 22 are rejected on the same basis as claim 20.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows.

U.S. Patent Application Publication Number 2004/0003097 (Willis et al.)

U.S. Patent Application Publication Number 2003/0046150 (Ader et al.)

U.S. Patent Application Publication Number 2004/0205614 (Keswa)

U.S. Patent Application Publication Number 2002/0065802 (Uchiyama)

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dennis Myint

AU-2162

Cam Trung

*Cam Trung
Primary Examiner*